

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

February 23, 2004

In re Application of:
ALAN E. HAYES and JERRY A. YOUNG

Serial No. : 10/622,808
Filed : July 17, 2003
For : POSITIVE DISPLACEMENT LIQUID PUMP

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

03/02/2004 BABRAHA1 00000023 10622808
05 FC:1460 130.00 OP

Sir:

PETITION UNDER 37 C.F.R. 1.47(a)

IdaTech, LLC ("Assignee") hereby petitions for acceptance of the present application without the signature of one inventor. At the time of invention of the subject matter of this application, the two named inventors both worked for Assignee. Both of the inventors had signed employment agreements that obligated them to assign inventions to Assignee, and the subject matter of the present application was invented by the inventors during and within the scope of their regular employment with Assignee. Furthermore, both of the inventors previously assigned the subject matter of the present application to Assignee. This assignment was made in connection with U.S. Provisional Patent Application Serial No. 60/396,934, from which the present application claims priority. The assignment was recorded with the U.S. Patent and Trademark Office on August 6, 2002 under Reel 013150, Frame 0506.

On July 17, 2003, the present application was filed by Assignee's undersigned attorney. Both Mr. Hayes and Mr. Young were provided with copies of the application and the required

Declaration, but only Mr. Hayes signed and returned to Assignee the signed Declaration. When no response was received from Mr. Young, Assignee again wrote to Mr. Young at his last-known address, with this second letter being sent via certified mail, return receipt requested. This letter was returned, unopened, as being undeliverable on account of Mr. Young no longer residing at that address. Mr. Young is no longer employed by Assignee, and neither his current address nor his current employer are known to Assignee. Assignee therefore believes that Mr. Young's whereabouts is not known, despite Assignee's efforts to locate Mr. Young. Accordingly, Assignee, as the owner of all rights in the present application, requests that the present application be permitted to proceed without a Declaration signed by Mr. Young. This Petition is necessary to preserve Assignee's rights in the present application and to prevent the present application from lapsing.

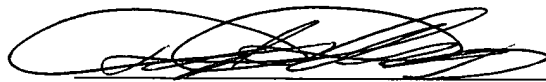
Enclosed with this Petition is the Declaration of David J. Edlund, Assignee's Senior Vice President and Chief Technology Officer. This Declaration and its Exhibits provide the facts upon which this Petition is based. Also enclosed with this Petition is a Declaration for Patent Application signed by Alan Hayes, the other inventor for the above-identified patent application. The Declaration for Patent Application also lists Mr. Young, but is not signed by Mr. Young. Assignee requests that the Declaration for Patent Application be treated as having been signed by Mr. Hayes on behalf of Mr. Young, as provided in M.P.E.P. § 409.03(a), and that prosecution of the application be allowed to proceed without the signature of Mr. Young. Should it be necessary, Assignee is also enclosing a copy of the above-mentioned recorded assignment to Assignee by both Mr. Hayes and Mr. Young of all rights to the subject matter of the present application, as filed and recorded in connection with U.S. Provisional Patent Application Serial No. 60/396,934.

As annotated thereupon, the Declaration lists the original serial number that was assigned to the application, as indicated by the return-receipt postcard. Pursuant to information received from Customer Service Representative Rick Hayden in February 2004, Assignee has learned that the serial number associated with this application has been changed to be 10/622,808. Copies of the return-receipt postcard and filing receipt are enclosed to demonstrate this assignment and reassignment of serial numbers.

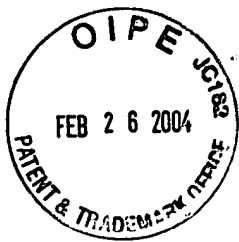
If the Examiner has any questions regarding this matter or requires any additional information, the Examiner is invited to contact Assignee's attorney at the number listed below.

Respectfully submitted,

KOLISCH HARTWELL, P.C.



David S. D'Ascenzo
Of Attorneys for Assignee, IdaTech, LLC
Registration No. 39,952
PTO Customer No. 23581
Kolisch Hartwell, P.C.
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679



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Sir:

DECLARATION OF DAVID J. EDLUND

I, David J. Edlund, of the city of Bend, Oregon, hereby declare:

1. On information and belief, along with the co-inventor Alan Hayes, Jerry Young contributed to the invention claimed in the above-identified patent application while working as a regular employee of IdaTech, LLC in Bend, Oregon.
2. The development of the subject matter of the present application was within the regular scope of Mr. Young's employment with IdaTech. As a regular employee of IdaTech, Mr. Young signed an employment agreement that requires him to assign to IdaTech all rights, including patent rights, in connection with inventions conceived or otherwise developed by him during his employment with IdaTech. Mr. Young also expressly assigned his rights to the subject matter of the present application in connection with the filing of U.S. Provisional Patent Application Serial No. 60/396,934, from which the present application claims priority.
3. Mr. Young is no longer employed by IdaTech.

4. Mr. Young's last known residence address is as follows:

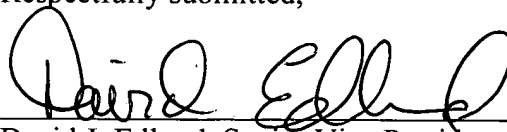
Mr. Jerry Young
2500 NW Regency #85
Bend, Oregon 97701

5. IdaTech wrote to Mr. Young at his last-known address regarding this application, provided Mr. Young with a copy of the application and requested that Mr. Young sign the Declaration for the application. When no response was received, IdaTech wrote again to Mr. Young at his last-known address. This second letter was sent via certified mail, return receipt requested. This second letter was returned to IdaTech as being undeliverable because Mr. Young no longer resides at the address. Copies of this second letter and the returned envelope are attached hereto as Exhibits 1 and 2. On information and belief, Mr. Young has moved and his current whereabouts is not known. IdaTech is not aware of Mr. Young's current residence or place of employment.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: 18 February 2004



David J. Edlund, Senior Vice President and
Chief Technology Officer
IdaTech, LLC, assignee of U.S. Patent
Application Serial No. 10/622,808



An IDACORP Company

Advanced Fuel Cell Solutions™

January 5, 2004

****MAILED CERTIFIED, RETURN RECEIPT REQUESTED****

Mr. Jerry Young
2500 NW Regency #85
Bend, OR 97701

RE: Declaration for Patent Application

Dear Mr. Young,

This letter is to follow-up on the letter sent to you on August 14, 2003 regarding IdaTech obtaining your signature for the Declaration Application for Patent 623,457 for a Positive Displacement Liquid Pump that you submitted with Alan Hayes.

Please sign the declaration and return it to my attention at 63160 NW Britta Street, Suite E100, Bend, OR 97701.

If you have any questions, please contact David Edlund, CTO, at 541-383-3390.

Best regards,

Nichole M. Walleen
Executive Assistant

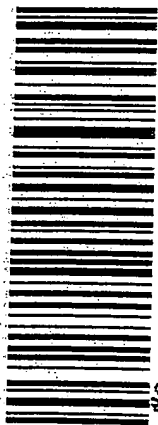


An IDACORP Company

63160 Britta Street

Bend, Oregon 97701

CERTIFIED MAIL



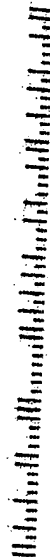
7010 0520 0012 1737 8836

NOT DELIVERED
NO ADDRESSEE
UNABLE TO FORWARD

**RETURN RECEIPT
REQUESTED**

Mr. Jerry Young
2500 NW Regency #85
Bend, OR 97701

97701K5352 0001



FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Jerry Young
2500 NW Regency #85
Bend, OR 97701*

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)	B. Date of Delivery
C. Signature X	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
D. Is delivery address different from item 17 <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	

3. Service Type	<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail	<input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee)	<input type="checkbox"/> Yes <input type="checkbox"/> No	

2. Article Number (Copy from service label)

700 0520 0012 1737 8836

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

